

### REMARKS

In the Final Office Action mailed from the United States Patent and Trademark Office on June 28, 2006, claim 11 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for lacking antecedent basis for several terms. Applicant did not appeal the rejection under 35 U.S.C. § 112, second paragraph, of claim 11 and indicated in the Appeal Brief (see paragraph spanning pages 11-12) that an amendment would be submitted to address the indefiniteness rejection of claim 11 upon a holding that the claims are allowable over the cited art.


As the indefiniteness rejection of claim 11 was first made in the Final Office Action, Applicant's only opportunity to address the rejection is by way of an amendment after final rejection. This submission was withheld until after the resolution of the Appeal to minimize issues for the Appeal. Now that the Appeal has been resolved with a decision in favor of the claims over the prior art, Applicant respectfully submits that the proposed amendment resolves all remaining issues with respect to the claims and therefore puts the claim set in condition for allowance. Applicant therefore respectfully requests entry of this amendment under 37 C.F.R. § 116. No new matter has been added.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,

  
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